

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

|   |   |                                |
|---|---|--------------------------------|
| PATSY K. COPE and ALEX ISBEL, ,                     | ) |                                |
| <i>as Dependent Administrator of, and on behalf</i> | ) |                                |
| <i>of, the Estate of Derrek Quinton Gene</i>        | ) |                                |
| <i>Monroe and his heirs at law,</i>                 | ) |                                |
|   | ) |                                |
| Plaintiffs,   | ) |                                |
|   | ) |                                |
| v.  | ) |                                |
|   | ) |                                |
| COLEMAN COUNTY, <i>et al.</i> ,                     | ) |                                |
|   | ) |                                |
| Defendants.   | ) | Civil Action No. 6:18-CV-015-C |

**ORDER**

On this date, the Court considered:

- (1) The Motion for Reconsideration filed by the individual Defendants on May 1, 2019;
- (2) The Amended Motion for Reconsideration filed by the individual Defendants on May 16, 2019; and
- (3) Plaintiffs' Response thereto, filed May 22, 2019.

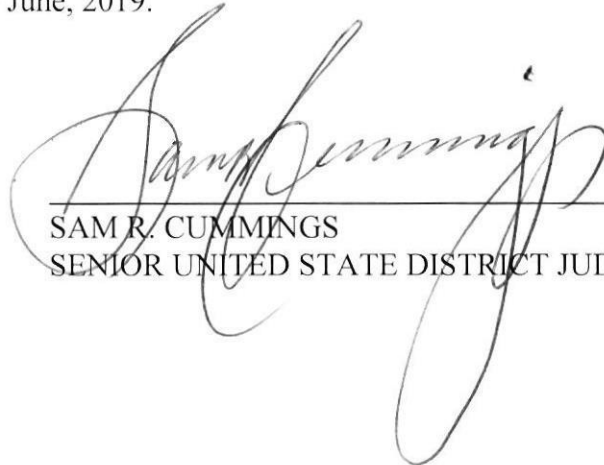
The individual Defendants seek for the Court to reconsider its prior Order in which the Court determined that a jury would have to evaluate whether the actions/inactions of the individual Defendant and the promulgation of certain practices/policies by the individual Defendants were reasonable under the circumstances presented. The individual Defendants cite to a recently-decided decision by the United States Court of Appeals for the Fifth Circuit, *Arenas v. Calhoun*, No. 18-50194, — F.3d —, 2019 WL 1870686 (5th Cir. Apr. 26, 2019) (Smith, J.), for the proposition that a jailer refusing to enter a jail cell to cut down an inmate/detainee (along

with the policy enacted to prevent the jailer from doing so) did not amount to deliberate indifference.

However, as argued by the Plaintiffs in their Response, the Court finds that the particulars and facts of the case at hand differ sufficiently from the cited case so as to provide enough contrast to justify the denial of the Motion and Amended Motion to Reconsider.<sup>1</sup>

Therefore, for the reasons argued in the Response, the Court finds that the Motion and Amended Motion to Reconsider should be **DENIED**.

SO ORDERED this 24<sup>th</sup> day of June, 2019.



SAM R. CUMMINGS  
SENIOR UNITED STATE DISTRICT JUDGE

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<sup>1</sup>The Court finds a stark contrast between the often-presented jailer discovering a prisoner/detainee already hanging for an undisclosed period of time (and not completely visible in the instance of *Arenas*) as opposed to watching a prisoner/detainee carry out the entire act of suicide and failing to intervene at any time in any manner. The policies and practices that allow such a result to occur are likewise implicated.